

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**ARTURO CARDENAS-GUTIERREZ,**

**Defendant.**

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**CASE NO. 8:02CR194**

**ORDER**

This matter is before the Court on the Defendant's successive motion to vacate the Judgment (Filing No. 171).

In the Court's previously issued Memorandum and Order (Filing No. 170), the Court denied the Defendant's previously filed successive § 2255 motion (Filing No. 170).

Rule 9 of the Rules Governing Section 2255 Proceedings provides: "Before presenting a second or successive motion, the moving party must obtain an order from the appropriate court of appeals authorizing the district court to consider the motion, as required by 28 U.S.C. § 2255, para. 8." The previous successive motion was denied because the Defendant had not complied with Rule 9, and this motion is denied for the same reason.

IT IS ORDERED that the Defendant's successive motion to vacate the Judgment (Filing No. 171) is denied.

DATED this 12<sup>th</sup> day of July, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge